

3:24 CV 2212

JUDGE HELMICK

MAG JUDGE CLAY

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

Jury demand requested

KIESHA L. HOLMES,

Plaintiff.

FILED

DEC 19 2024

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

VS

OFFICER MOSS BADGE #2896, Toledo Police Officer, individually, and in his official capacity; OFFICER SLUTERBECK)

BADGE NUMBER #2909 Toledo Police Officer, individually, and in her official capacity; SGT. MIELCAREK BADGE)

NUMBER #2486, Toledo Police Officer, individually, and in his official capacity; TOLEDO POLICE DEPARTMENT)

JUDGE JIM ANDERSON, he is sued in both his individual and official capacities; SHAUN HEGARTY, 13 ACTION)

NEWS REPORTER)

Defendants.

COMPLAINT

This is a civil rights complaint pursuant to the Federal Rules of Civil Procedure, Rule 8 alleging violations of Plaintiff, Kiesha L. Holmes' constitutional rights when Defendants placed her in custody and charged her with child endangerment. It alleges constitutional torts. Judge Anderson ordered the Plaintiff not to return home and no contact with the 12yr. old granddaughter until case is resolved which can take well over three months.

A. PARTIES

Commented [KH1]:

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1. Plaintiff, KIESHA L. HOLMES, is a duly qualified member of a protected class, an African American. She is a citizen of the United States and a permanent resident of Toledo, Ohio.
2. Defendant Moss badge #2896, is a Toledo Police Officer, and she is being sued in both her individual and official capacities. During all times relevant in the Complaint, this Defendant was acting under the Color of State Law.

1 3. Defendant Sluterbeck badge number #2909 is a Toledo Police Officer, and he is being sued
2 in both his individual and official capacities. During all times relevant in the Complaint, this
3 Defendant was acting under the Color of State Law.

4 4. Defendant, Judge Jim Anderson, is an Ohio Judge, and he is being sued in both his
5 individual and official capacities. During all times relevant in the Complaint, this Defendant
6 was acting under the Color of State Law.

7 5. Defendant, Sargent Mielcarek badge number #2486, is a Toledo, Ohio Sargent and he is
8 being sued in both his individual and official capacities. During all times relevant in the
9 Complaint, this Defendant was acting under the Color of State Law.
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14 B. JURISDICTION AND VENUE

15 6. Original jurisdiction over claims arising from defendants' civil rights violations is conferred upon
16 this court by 28 U.S.C. secs. 1343 and 1331. Jurisdiction over state law claims is governed by 28 U.S.C. sec.
17 1391.

18 C. ALLEGATIONS

19 7. On April 2, 2024 at 12:30 am Plaintiff received a knock at the door.

20 8. It was Plaintiff's granddaughter knocking wanting to come in Plaintiff's house after she was told
21 four days prior to this incident that she couldn't visit anymore due to starting a fire in the attic and another
22 fire on the stove--both in the same day.

23 9. Plaintiff's granddaughter decided to go next door to my neighbor's house and my neighbor
24 called police out.

25 10. The police knocked at the Plaintiff's door and told Plaintiff her granddaughter was next door
26 and needed a place to go until mom is contacted and able to come get her.

27 11. Plaintiff's response was "NO, my granddaughter can't stay with me because she has done too
28 much around my house costing me lots of money that's added to my rent plus she just started a fire four
29 days ago in my attic and both her and mother was told she can't visit anymore (EXHIBIT Police VIDEO
30 CAM).

31 12. Plaintiff declared that she loves her granddaughter but she is a safety threat when she sneaks
32 out the house leaving back door, window, or side door unlocked when Plaintiff nods off (EXHIBIT Police
33 VIDEO CAM).

34 13. When Plaintiff is sleep or nods off her granddaughter will sneak out the house leaving windows
35 and doors open so she can sneak back in and this normally takes place at night (EXHIBIT Police
36 VIDEOCAM).

1 14. Plaintiff told the Toledo Police of two three other incident (besides the ones I just explained)
2 that clearly gives me good reasons why I she can't trust her in my house. My health will not allow me to
3 keep getting upset over her poor, disruptive decisions, it's just too much drama around her. The police
4 asked Klesha Holmes "can she stay next door because we have no place for her to do and you can go to jail
5 If you don't let her in so we will be back" (EXHIBIT Police VIDEO CAM).

6
7 15. The police leaves (go next door) then police officers come back to say; she can't stay over there
8 so she's going to have to stay with you because we don't have any place for her to go or you're going to
9 jail

10 16. Plaintiff said, "This is my house. I pay the bills here and no one can make me let someone stay
11 in my house that I don't want to."

12
13 17. I asked What about Safety Net or Children Services? Those are the two places she normally
14 goes.

15
16 18. Their response to that was, "its voluntary to stay at Safety Net. She can leave when she wants
17 to."

18
19 19. Next, Plaintiff says well she does that here and leave door unlocked and windows unlocked for
20 someone to come in on me. (repeated) No, she can't stay with me its to much of a danger to have my
21 granddaughter here.

22
23 20. Then one of the officers say "Maam it's against the law to not let your twelve-year-old
24 granddaughter in your house."

25
26 21. By this time Plaintiff's daughter, the mother of the twelve-year-old was on face time and the
27 phone was handed to the female police officer. It was suggested by the mother to take her to Children
28 Services where she can wait until mom gets back in town. Mom explained thoroughly granddaughter ran
29 from mom the day before and this is what she does often (grandmother said the same to the officers
30 earlier). Police is called often due to the child running away 911 calls from address 238 Maryland and 533
31 Geneva in Toledo, OH will prove this statement. Police was even told about her having a new case in
32 Toledo Juvenile Court due to running from police in a stolen vehicle with a teenage boy. She recorded the
33 incident while laughing and video recording it on social media after police arrested her as she sat in back of
34 police car.

1 22. After the police officers knowing the twelve-year-old is a habitual run away and don't live with
2 grandmother, grandmother DO NOT have custody and the child has a current case in Juvenile Courts the
3 police and their Sargent thought it was a good idea to arrest grandmother Kiesha Holmes allow her run
4 away grandchild to come in her house with six children in the house alone overnight with her Ex husband
5 whom Kiesha Holmes is the caregiver of him part-time note he doesn't leave at Kiesha's address everyone
6 in the house was under Kiesha's care. The mothers of the children did not give their consent for Harold
7 Holmes to watch their children and would not have given permission due to his medical conditions.

8
9 23. Grandfather is not capable of watching six children. Also, to add the police wrote a false police
10 report. The police report read; the grandmother has custody and she put the twelve-year-old out the
11 house and grandmother refused to let her back in so, she went next door and the neighbor called police.
12 This is far from the truth the child ran away from her mother the day before and arrived at the
13 grandmother's house around 12:30am. Once the police arrested the grandmother; Mean time six children
14 left in the house alone with an unruly child and a man that suffer from multiple medical conditions. The
15 mothers of these children are out raged "how dare the police kick the grandmother out and leave those
16 many children alone with an unruly kid and a man that is medically unstable to watch kids". Police charged
17 grandmother with Endangering Children when in Fact that's what the Police and their Sargent did
18 endangered the kids and the grandfather adding wrote a FALSE POLICE REPORT.

19
20 24. Grandmother was booked on False CHARGES; ENDANGERING CHILDREN. After three, four hours
21 in the jail cell rescue squad arrive at the jail because grandmother Kiesha Holmes was suffering chest pain,
22 pain and pressure behind the eyes. The pressure behind her eyes has caused her vision to change due to
23 the pressure behind eyes and elevated blood pressure. The blood pressure was 265 over 170 so, aspirin
24 and Nitro was given to grandmother and taken to hospital where they, the doctor and the nurse had
25 problems getting bp down also oxygen level was low and had to be given oxygen. Once release from St.
26 Vincent Hospital Kiesha Holmes was able to meet with Public Defender before seeing Judge Anderson.
27 Judge Anderson was very rude, disrespectful and inhuman saying he didn't care about the issues of a false
28 police report, didn't care if I had custody or not (EXHIBIT). Judge Jim Anderson order Kiesha Holmes to
29 leave her home with no contact with granddaughter whom lives out of town in Columbus OH (EXHIBIT). If
30 Judge Anderson wanted to know the truth he could have easily listened to Kiesha Holmes and called the
31 Juvenile Court to back up statements that the grandchild lives in Columbus and was order not to come
32 back to Toledo and has/had an open case with Toledo Children Services.

33
34 25. Lucas County Children Services (EXHIBIT) did an investigation and found no evidence of Child
35 Endangerment. Children Services was aware of the granddaughter's behavior and known to runaway also
36 stated they agree that police should not have arrested the grandmother because there are other
37 alternatives and this situation was extreme.

38

1 26. The 13 Action News was called to do a story on the mistreatment and unjustified behavior of
 2 Toledo Police Department and the Judge involved in this case adding that the Internal Affairs was called as
 3 soon as Plaintiff was released from jail. The Sargent investigator told me he looked at the Police video cam
 4 several times and listened to it and found no wrong doing by the Plaintiff (**EXHIBIT PHONE RECORDING**).
 5 He said he will erase everything as if it didn't happen so not to worry about anything like going to the next
 6 court dated adding even though he's taking care of the charges right now he still has to do an investigation
 7 and it will take a few months (90 days) suggesting he will be finished with the investigation the middle of
 8 July 2024.

9
 10 27. By August Shaun Reporter from 13 Action News came out to interview me at my home. I told
 11 Shaun I didn't get the Police Report because The Toledo Police Department refused to give the Police
 12 Report me then he said if I like he could make a copy and give it to me and mention he looked at the Police
 13 Video Cam. The granddaughter's mom (Kohrea McKinney) tried to get the police report also was turned
 14 down by the Toledo Police Records Dept. however, I did get the police narrative that was given to the
 15 Public from the courts and the Trans Script was received to show the News Reporter the Conspiracy
 16 between Police and the Judge. I also found that the custody of my granddaughter was changed by the
 17 court to read that I Kiesha Holmes has custody of my granddaughter (**EXHIBIT**). I told the reporter Shaun
 18 that my granddaughter had another incident that cause the Juvenile Court to send out a court date to
 19 Kohrea McKinney with my name on it. After retrieving it in the mail Kohrea McKinney found that she no
 20 longer had custody of her daughter this was shocking that the court would go so far to cover up their
 21 unlawful behavior. Custody was given to the grandmother Kiesha Holmes without ever going to court. All
 22 paperwork was shown to Shaun then he responded "What did I get myself into". I explained the reason
 23 for tampering, changing the custody to Shaun (the News Reporter) that both the police and the judge
 24 wanted the custody paperwork to match the false police report this is the reasoning behind the courts
 25 falsifying documents. I ONCE AGAIN STATED "I do not have custody and my granddaughter lives in
 26 Columbus with her mother". I explained; "she ran away from her mom then ended up showing up on my
 27 door step after I told her and her mom she was no longer welcomed at my house" due to her dangerous
 28 and disrespectful behavior.

29
 30 28. The Reporter of 13 Action News joined in on the corruption and conspiracy to block Kiesha
 31 Holmes from gaining justice. **EXHIBIT The NEWS VIDEO- It fits the narrative of the false police report.**
 32 Reporter Shaun changed the narrative of the incident that occurred April 2, 2024 at or around 12:30am to
 33 fit what The Toledo Police false report said.

34
 35 29. The Judge stated lies that he didn't know he was just going off the police report. Their actions
 36 were to punish Kiesha Holmes for not agreeing with the police to allow her granddaughter in her house
 37 after running away from her mom. I would like to add a timeline because the time is relevant to prove the
 38 connection and the intent to commit fraud and cover up wrong doing. The Reporter took two months to
 39 make a decision to interview me after viewing the police cam and reading over the police report. He
 40 interviewed me at my home another four months later from June – Oct 2024 (it was aired Oct 7th totaling

1 6 months). After hearing I was going to file a lawsuit, he then made a decision to interview me and kept
2 asking if I was still planning on filing a lawsuit. I thought it was odd to keep asking for an update. I was
3 going around collecting evidence at the prosecutor's Office, Safety Building A.K.A Toledo Police Dept. and I
4 showed shaun the news report all the paperwork I collected from the courts besides the police report I
5 didn't have because they refused to give me a copy. Once we finished the interview at the house Shaun
6 took a long time to edited the interview but, now I know why it was to fit the police false report. This was
7 devastating just heart breaking to me. The story that was aired on TV for the whole world to see it was
8 embarrassing and false, clearly defamation of character. Shaun the reporter knew his actions were a
9 violation of my Civil Rights but because this behavior has never been addressed by the courts here in
10 Toledo, OH. The bold abrasion behavior and corruption runs deep in Toledo. All stated above participating
11 in a conspiracy to break the law and violate the CIVIL RIGHT of a PROTECTED CLASS.

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14 D. CLAIMS

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17 30. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
18 violated Plaintiff's right to enjoyment of her personal property without due process of law.

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20 31. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
21 violated Plaintiff's constitutional rights prohibiting false arrest.

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23 32. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
24 violated Plaintiff's constitutional rights prohibiting violation of conspiracy to violate constitutional rights.

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26 33. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
27 violated Plaintiff's constitutional rights guaranteeing her life, liberty, and the pursuit of happiness.

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29 34. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
30 violated Plaintiff's constitutional rights prohibiting cruel and unusual punishment.

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32 35. The actions and/or omissions of Defendants, as set forth in paragraphs 1 through 29,
33 violated Plaintiff's constitutional rights prohibiting false imprisonment.
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